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8 *And Federal Home Loan Mortgage Corporation*

9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11  
12 LAS VEGAS DEVELOPMENT GROUP, LLC, a  
limited liability company,

13 Plaintiff,

14 v.

15 COLFIN AI-NV 2, LLC, a Delaware limited  
liability company; BANK OF AMERICA, N.A. a  
16 National Banking Association, as successor by  
merger to BAC HOME LOANS SERVICING, LP;  
17 MTC FINANCIAL INC., a California corporation;  
JOHN VIDA, an individual; FEDERAL HOME  
18 LOAN MORTGAGE COPORATION, a federally  
chartered corporation; ELMER S. CASTRO, an  
19 individual; JFK FINANCIAL, INC., a Nevada  
Corporation; DOE individuals I through XX; and  
20 ROE CORPORATIONS I through XX,

21 Defendants.

Case No.: 2:15-cv-01394-RFB-CWH

**DEFENDANTS FEDERAL HOME LOAN  
MORTGAGE CORPORATION'S AND  
BANK OF AMERICA'S MOTION FOR  
LEAVE TO FILE UNDER SEAL**

22 Defendants Federal Home Loan Mortgage Corporation (**Freddie Mac**) and Bank of America  
23 (**BANA**), by and through their counsel of record, Akerman LLP, move for leave to file Exhibits A  
24 and B to Federal Home Loan Mortgage Corporation's Declaration in Support of Bank of America,  
25 N.A. and Federal Home Loan Mortgage Corporation's Motion for Summary Judgment under seal  
26 pursuant to LR 10-5(b).

27 "Every court has supervisory power over its own records and files. . . ." *Nixon v. Warner*  
28 *Commc'ns, Inc.*, 435 U.S. 589, 598, 98 S. Ct. 1306, 1312, 55 L. Ed. 2d 570 (1978). "[T]he common-

1 law right of inspection has bowed before the power of a court to insure that its records” do not serve  
2 as a source of “business information that might harm a litigant’s competitive standing” by releasing  
3 trade secrets. *Id.* Judicial records attached to dispositive motions can be sealed given compelling  
4 reasons to support the secrecy, as in this case. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d  
5 1172, 1180 (9th Cir. 2006). BANA and Freddie Mac hereby request that certain exhibits to Freddie  
6 Mac’s declaration in support of it and BANA’s motion for summary judgment be sealed because the  
7 documents contain confidential and proprietary commercial terms and business information.

8 Freddie Mac does not originate mortgage loans. Instead, it purchases mortgage loans on the  
9 secondary mortgage market from loan originators and other entities who own mortgage loans  
10 (collectively, “Lenders”). With regard to certain loan purchases, Freddie Mac will purchase  
11 mortgage loans in bulk from an approved Lender. For certain bulk purchases, Freddie Mac acquires  
12 mortgage loans by the use of contracts known as Master Agreements along with corresponding  
13 Master Commitments which approve Lenders to sell certain types of loans to Freddie Mac and  
14 establish the terms under which such loans may be sold.

15 On or about February 25, 2005, Countrywide Home Loans, Inc. and Freddie Mac entered  
16 into Master Agreement No. MA04120883 and also entered into a corresponding Master  
17 Commitment No. T05012783, dated as of February 1, 2005, which incorporates the terms of Master  
18 Agreement No. MA04120883. A copy of Master Agreement No. MA04120883 is being provided  
19 under seal as Exhibit A. A copy of Master Commitment No. T05012783 is being provided under  
20 seal as Exhibit B.

21 Master Agreement No. MA04120883 and Master Commitment T05012783 do not specify  
22 any individual mortgage loans that Freddie Mac will purchase from BANA but rather establish the  
23 general terms for future sales of mortgage loans from BANA to Freddie Mac. These documents,  
24 which evidence the terms upon which Freddie Mac purchased a particular loan or groups of loans,  
25 contain proprietary business and commercial information of Freddie Mac and BANA, including, but  
26 not limited to, the pricing of various mortgage loans by type and other factors on the secondary  
27 mortgage market. This information is extremely sensitive given Freddie Mac’s significant role in  
28 the secondary mortgage market and should such information be publicly disclosed, will most

1 certainly have a detrimental impact on Freddie Mac's mortgage business and the secondary  
2 mortgage market in general.

3 Furthermore, Master Agreement No. MA04120883 and Master Commitment T05012783  
4 provide that the business terms contained therein are confidential information and that the parties  
5 will not release or disclose, nor permit the release or disclosure of, such confidential information for  
6 any purposes, except as provided for in the Freddie Mac Seller and Servicer Guide (the "Guide").

7 The Guide in turn requires that a Seller/Servicer treat all confidential information as strictly  
8 confidential and proprietary and precludes BANA from disclosing the business terms contained in  
9 Master Agreement No. MA04120883 and Master Commitment T05012783 unless agreed to by  
10 Freddie Mac or ordered by a court or administrative agency. The Guide explicitly authorizes  
11 Freddie Mac to take any action it deems necessary to prevent or limit the release or disclosure of  
12 confidential information. Guide, section 1201.8.

13 Given the nature of the confidential and proprietary information contained in Exhibits A and  
14 B, compelling reasons exist for filing the documents under seal. Accordingly, BANA and Freddie  
15 Mac respectfully request that the Court order that the documents be filed under seal pursuant to LR  
16 10-5(b).

**AKERMAN LLP**

17 DATED: April 20, 2016

18  
19  
20 IT IS SO ORDERED:

21 

22  
23 RICHARD F. BOULWARE, II  
24 United States District Judge

25 DATED this 3rd day of May, 2016.

By: /s/ William S. Habdas

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**CERTIFICATE OF SERVICE**

Pursuant to F.R.C.P. 5(b) and Electronic Filing Procedure IV(B), I certify that on the 20th day of April 2016, a true and correct copy of the **DEFENDANTS FEDERAL HOME LOAN MORTGAGE CORPORATION'S AND BANK OF AMERICA'S MOTION FOR LEAVE TO FILE UNDER SEAL**, was delivered by sending a paper copy via U.S. Mail.

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/s/ Allen G. Stephens

An employee of AKERMAN LLP

Exhibit A – Filed separately under seal, pending ruling on motion to seal. Un-redacted version served on the parties by U.S. Mail.

Exhibit B – Filed separately under seal, pending ruling on motion to seal. Un-redacted version served on the parties by U.S. Mail.